

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on January 12, 2009 and the Advisory Action of March 24, 2009 which have been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-8, 11 and 13-16 remain in this application, where claim 12 had been previously canceled without prejudice, claims 9-10 have been currently canceled without prejudice, and claim 13-16 have been currently added. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications. Claim 1 is independent.

By means of the present amendment, the specification has been amended for better conformance with the drawings.

In the Final Office Action, claims 1 and 7-11 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Application Publication No. 2003/0214857 (Horie). Further, claims

1-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Horie. It is respectfully submitted that claims 1-8, 11 and 13-16 are patentable over Horie for at least the following reasons.

Horie is directed to a phase-change recording material used for information recording medium. It is respectfully submitted that Horie does not disclose or suggest the present invention as recited in independent claim 1, which, amongst other patentable elements, recites (illustrative emphasis provided):

a substantially transparent fourth auxiliary layer I4 between the third auxiliary layer I3 and the second auxiliary layer I2 for screening the third auxiliary layer I3 from a chemical influence of the second auxiliary layer I2,  
wherein the fourth auxiliary layer I4 comprises  
Si<sub>3</sub>N<sub>4</sub>.


A fourth auxiliary layer I4 comprising Si<sub>3</sub>N<sub>4</sub> is nowhere disclosed or suggested in Horie.

Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-8, 11 and 13-16 should also be allowed at least based on their dependence from independent claim 1 as well as their individually patentable elements.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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